

**Subject:** Full Circle United v. Bay Tek Entertainment, 20-cv-3395 (EDNY): Petro Subpoenas  
**Date:** Friday, November 19, 2021 at 9:42:14 PM Eastern Standard Time  
**From:** Elaine Vorberg  
**To:** Paul Thanasides, Christina Casadonte-Apostolou, Reid Skibell, Michael Morris, jmm@msk.com  
**CC:** Terrence Schaul  
**Attachments:** GP0001-0004 - For The Love of The Lane-Redacted.pdf, GP0005-0007 - Amusement Expo-Redacted.pdf, GP0008-0017 - National Skee-Ball League-Redacted.pdf, GP0018-0023 - Quick Chat-Redacted.pdf, GP0024-0051 - Skee-Ball Live Followup-Redacted.pdf, GP0052-0069 - Rick-Redacted.pdf

Counsel,

McCarthy Duffy LLP represents George Petro, Play Mechanix, Inc. and Raw Thrills, Inc., as subpoena respondent(s), with respect to this matter. Please see the attached documents, numbered GP-0001 through GP-0069, responsive to the Subpoena to Produce Documents served upon George Petro. (Mr. Petro's communications with me have been redacted. We trust no privilege log is required, as the details of the redactions are obvious.) Mr. Petro has been participating in a trade show this week and has been unable to make a thorough search for documents responsive to the subpoena, but **believes**, with the exception of a Non-Disclosure Agreement that **might** be within his possession or control, that the production is complete. I will be on family vacation next week and unable to provide a certification of completeness (and any additional production) until the week of November 29 but will so do so as soon as practically possible.

I have confirmed with Mr. Petro that he will be available for a deposition in accordance with the Subpoena to Testify served upon him, on December 10, 15, 16 or 17, provided that the deposition be conducted via Zoom, with him appearing at his office (or home office) or mine, in the Northern District of Illinois, for a reasonable length of time. If the above dates are not acceptable, I am sure we can all work together to schedule a deposition within the January 7, 2022, \*\* discovery closure date.

\*\* I assume this is correct. I advised Mr. Thanasides that I recalled seeing January 7 discovery closure on the website and asked him to provide any orders imposing a more immediate date. He did not respond.

On a related note, Plaintiff's counsel has indicated (but refused to confirm or deny) that they are in possession of recordings of Mr. Petro's discussions relate to this matter. As you may know (and, if you are ignorant of Illinois law, could engage a competent lawyer at your own expense to research and/or confirm), with certain exceptions, it is a criminal offense to intentionally record a private conversation in Illinois in a surreptitious manner with an eavesdropping device without the consent of all parties to the conversation. Moreover, it is a criminal offense in Illinois for a person to use or disclose information which he or she knows, or reasonably should know, was obtained from a private conversation in a surreptitious manner without the consent of all parties to the conversation. We have asked Plaintiff's counsel to furnish us with any recordings of private conversations involving Mr. Petro, along with any consents obtained from Mr. Petro, to further investigate this matter and to assure no (further) violations of his rights to privacy occur. The request has been, thus far, refused. We reiterate the request, here. Obviously, these circumstances are troubling, especially in light of the stonewalling we have encountered over this issue and the email correspondence on page GP-0053 of this production wherein Mr. Pavony indicated to Mr. Petro, in anticipation of a phone call, that "his attorneys just got [him] those few questions they [had] for [Mr. Petro]."

Regardless of the existence of criminal culpability (**which we do not now assert as a thorough investigation has not yet been conducted**), ethical violations (**which we do not now assert as a thorough investigation has**

**not yet been conducted**) or civil liability (**which we do not now assert as a thorough investigation has not yet been conducted**), Mr. Petro has and had a reasonable expectation of privacy when engaging in private conversations while in Illinois. Accordingly, please take notice that Mr. Petro will not answer questions from either party concerning any private in person or telephonic communications he has had with Mr. Pavony or his attorneys until we are provided with any and all recordings in the possession or control of the plaintiff or his attorneys (along with any consents obtained) and have had ample time to fully examine the facts and circumstances surrounding the conversations and recordings in advance of the deposition. To avoid undue burden or expense upon or harassment of Mr. Petro, we will call an immediate end to any deposition of Mr. Petro if questions concerning such conversations are posed to him without the above requirements being met, or if Mr. Petro is questioned concerning laws of the State of Illinois or his knowledge or understanding of the same. Mr. Petro reserves all rights, including those under FRCP 45.

Thank you for your attention to this matter.

Regards,

Elaine Vorberg

**Elaine S Vorberg, Partner**

*Licensed in Illinois & Florida*

**McCarthy Duffy LLP**

180 North LaSalle Street, Suite 2300

Chicago, Illinois 60601

(312) 726-6395 Direct Phone

**McCarthy Duffy LLP**  
**ATTORNEYS & COUNSELORS SINCE 1886**

This e-mail message and any attached documents are private and confidential. They may be subject to the attorney-client privilege and are intended to be read only by the intended addressee. If you are not the intended addressee, please do not read these materials and notify the sender. Thank you.

#### **Disclaimer**

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful. This email has been scanned for viruses and malware.